

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-10186

BARBARA J MARVIN
1929 WIDNER RD
MIDVALE ID 83645
Telephone Number: (208) 355-2356

DARRALL A MARVIN
1929 WIDNER RD
MIDVALE ID 83645
Telephone Number: (208) 355-2356

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

We are going to try and find evidence of priority of water rights before 1971.
Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

I AGREE with this proposed recommendation: no changes need to be made.

DATE: *Nov 29-06* SIGNATURE: *Barbara Marvin*
Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

*Can't find another WR this water right is
prior to our right because it is a senior
irrigation was taken off this WR due to
lack of EOP.*

SCANNED

DEC 08 2006

~~623~~ 67-10186

Pole CR.

STARTS NE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec. 7- T-12 N. R. 3- W.

Leaves approx. $\frac{1}{2}$ Mi.

ENTERS again approx. NE $\frac{1}{4}$ SW $\frac{1}{2}$

Sec. 6- T-12 N. R-3- W.

Leaves property- NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6
T-12 N. R. 3- W.

Irrigation & stockwater

09/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-10186

NAME AND ADDRESS: BARBARA J MARVIN
1929 WIDNER RD
MIDVALE ID 83645

DARRALL A MARVIN
1929 WIDNER RD
MIDVALE ID 83645

SOURCE: POLE CREEK

TRIBUTARY: DEEP CREEK

QUANTITY: 0.050 CFS
1.100 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/21/1953

POINT OF DIVERSION:

T12N R03W S6 NWSENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	1.10 AFY
STOCKWATER	01/01 12/31	0.050 CFS
STOCKWATER FROM STORAGE	01/01 12/31	1.10 AFY

PLACE OF USE: STOCKWATER Within WASHINGTON County

T12N R03W S06 SENW

STOCKWATER FROM STORAGE same as STOCKWATER

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 180 range cattle.
Parcel No(s): RP12N03W062400A



Idaho Department of Water Resources

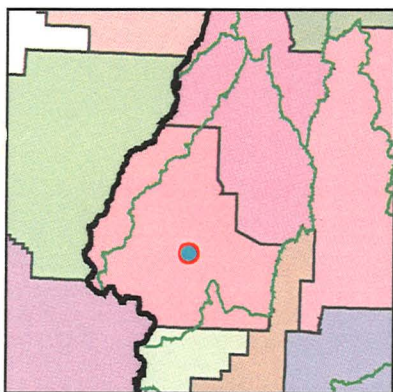
SRBA Recommendation:

67-10186

(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by C. Saxton
On Tuesday, September 12, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10186 V1

WATER RIGHT NUMBER: 67-10186 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA J MARVIN 1929 WIDNER RD MIDVALE, ID 83645 (208)355-2356
Current Owner	DARRALL A MARVIN 1929 WIDNER RD MIDVALE, ID 83645 (208)355-2356

Priority Date: 05/21/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
POLE CREEK	DEEP CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		1.10 AF
STOCKWATER	01/01 to 12/31	0.050 CFS	
STOCKWATER FROM STORAGE	01/01 to 12/31		1.10 AF
	<u>Total Diversion:</u>	0.050 CFS	1.10 AF

Location of Point(s) of Diversion

POLE CREEK	NW1/4SE1/4NW1/4	Sec. 6,	Twp 12N,	Rge 03W, B.M.
WASHINGTON County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	03W	6																	
										X									

STOCKWATER FROM STORAGE same as STOCKWATERConditions of Approval:

1. X02 Stockwater use is for 180 range cattle.
2. Parcel No(s): RP12N03W062400A
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10186 V1

4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
5. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:Comments:

1. csaxton 9/12/2006 Disallow Irrigation

Comment: Evidence of priority is in violation of the mandatory permit statute for anything but stock water use. In addition, several permits have been filed and were either relinquished or lapsed for one reason or another with the latest being in 1988. Finally, neither 1987 nor 2004 photography show any signs of irrigation.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/16/2005 2:00:47 PM	mvanbussum			Active
Priority Date	6/16/2005 2:01:32 PM	mvanbussum			Active
Source	6/16/2005 2:34:28 PM	mvanbussum			Active
POU	6/16/2005 2:34:57 PM	mvanbussum			Active
Contacts	6/30/2005 10:57:11 AM	mvanbussum			Active
Contacts	9/12/2006 3:02:52 PM	csaxton			Active
Summary			09/12/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/12/2006 4:00:21 PM	csaxton	Updated shape from PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10186 V1

Summary	9/12/2006 4:03:27 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	6/16/2005 2:01:33 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit signed by Darrall A. Marvin and Barbara J. Marvin.
Contacts	6/16/2005 2:00:47 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam previously conducted.
POD	6/16/2005 2:31:44 PM	mvanbussum	Edited point location
Source	6/16/2005 2:34:29 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam completed 04/27/05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10186 V1

POU	6/16/2005 2:34:58 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam completed 04/27/05.
Contacts	6/30/2005 10:57:12 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam performed 04/27/05.
POD	9/12/2006 3:16:23 PM	csaxton	Updated shape
POD	9/12/2006 3:16:32 PM	csaxton	Updated PLS
Contacts	9/12/2006 3:02:53 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Been in claimant contact.
POD	9/12/2006 3:16:05 PM	csaxton	Updated shape

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

SEP 01 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2005

DARRALL MARVIN
BARBARA MARVIN
1929 WIDNER RD
MIDVALE ID 83645

RE: Snake River Basin Adjudication (SRBA) claim 67-10186

Dear Mr. and Ms. Marvin,

On April 27, 2005, a contractor, Bosco Bosler, hired by the Idaho Department of Water Resources (IDWR) met with you to conduct a field exam concerning SRBA claim 67-10186 for irrigation from Pole Creek. In the process of reviewing the file I ran into a couple of questions:

1) Evidence of priority: Along with the field exam report, Bosco included an affidavit from yourself stating that you owned the property since 1988 but you were told by the previous owner, Wesley Dale, that the property had been irrigated for the past 30 years. With further research, it was found that W.W. Dale had filed three different applications for permit in an attempt to establish a water right on your property in the past. All three of these permits were voided in one way or another before a water right license was issued.

- a) Old application for permit number 24148 was approved in 1953 and was relinquished. When a permit is relinquished, it is the applicants decision. So for some reason Mr. Dale decided that he did not want to pursue a water right license at that time.
- b) Old application for permit number 72280 was approved in 1958 and lapsed as proof of beneficial use was not submitted on time.
- c) Permit number 67-2342 was filed for in 1966 but lapsed in 1988 as the appropriate fees were not paid and no licensing field exam was conducted.

That being said, I have seen water rights that have been established through historical beneficial use but were never licensed simply because someone forgot to pay a fee. I am not saying that there is not a valid water right on the property. However, I need additional evidence of when the water was put to beneficial use to support this claim. The evidence of priority you submitted is second hand knowledge. I need at a minimum a statement from someone that has first hand knowledge of when the irrigation system was put in place. And based on the relinquished and lapsed permit, even with the

SCANNED

SEP 01 2005

additional evidence I am requesting, I feel the earliest priority date we could support could be no earlier than 1966 unless evidence can be provided showing differently. Please submit this evidence as soon as possible.

2) I could not find information describing your diversion system. In order to make a recommendation for diversion rate and capacity, I need to know how your system works. Can you please provide me with as much information as possible about your diversions works? The notes on the claim say "Dam, 14' high, 112' long, "L" shaped, pump & sprinklers".

- a) How many sprinklers to you run at one time? *36*
- b) What size of pump do you use? *300 GPM, BERKLEY - P.T.O.*
- c) How much lift is there from the water level to the pump. *8'*
- d) What is the capacity of the storage pond? *EST- 31106 cubic'*
 - a. I need average depth, and or maximum depth of the pond. - *MAX-14' AVER. 8'*

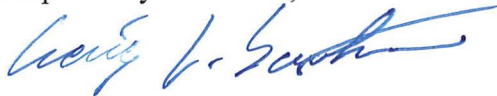
TRACTOR MAY BE PARK EITHER SIDE OF DAM.
Any information you can provide would be helpful. I have included a couple of maps where you can draw in ditches, pump locations, points where water is diverted from the pond... anything that could help explain how your system works.

3) On the maps I have provided, I drew an outline in green of the area that Bosco indicated on his field exam that was irrigated. Note that the boundary of the green outlined areas is 14 acres of the 30 you claimed. Please feel free to add areas that might have been missed, or exclude areas that aren't irrigated.

Please submit the requested information to me as soon as possible. I apologize for the inconvenience, but getting this information will allow IDWR to describe your water right as accurately as we can. Your input in this process helps us tremendously.

Please feel free to contact me with any questions.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s):

Cc: Bosco Bosler

SCANNED

SEP 01 2005

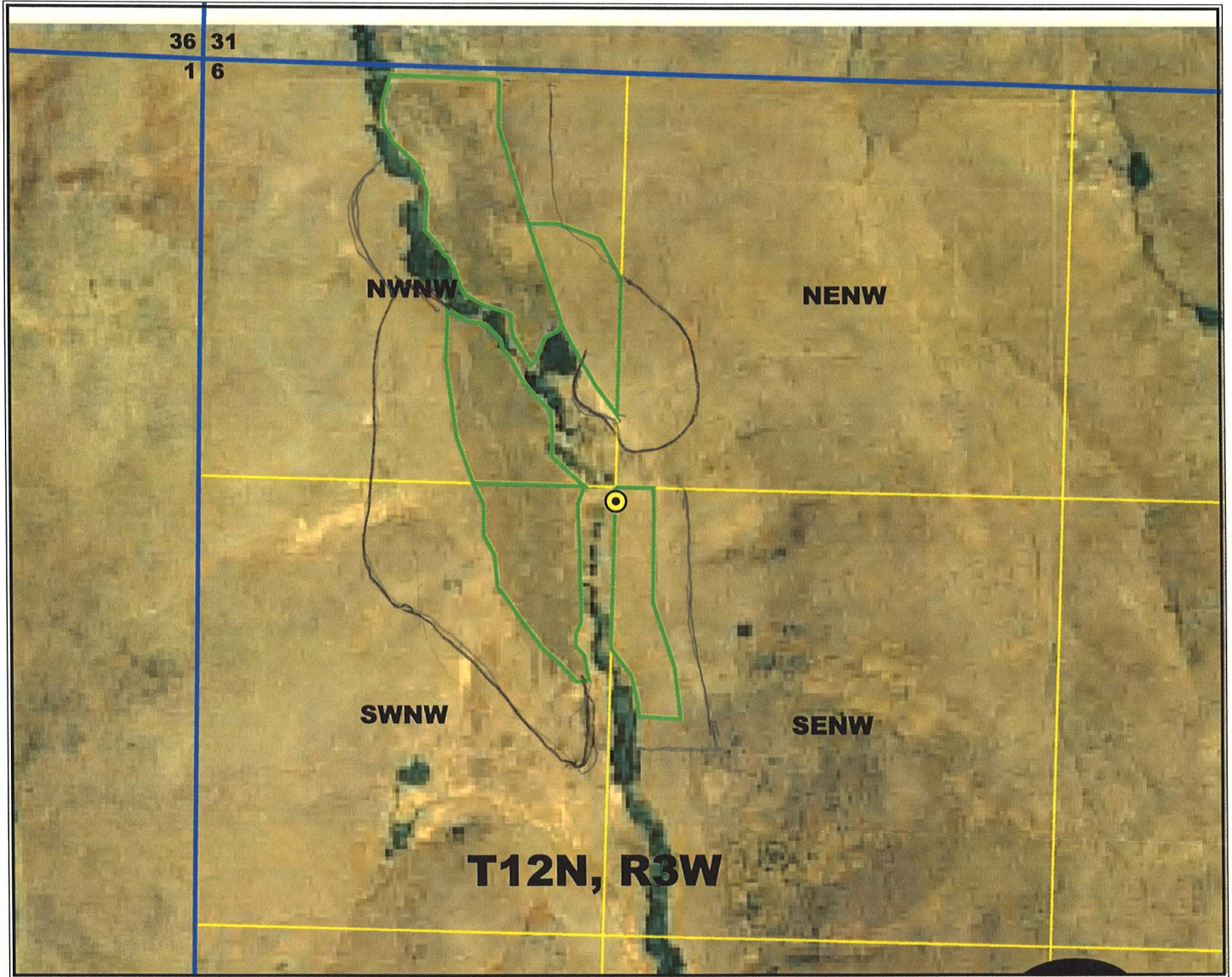


State of Idaho

POU Location Map

Claim #: 67-10186

Map Source: 1987 True Color



1320 0 1320 Feet

Additional drawings are more accurate

● Claimed Point of Diversion

□ Claimed POU

□ Tax Lot Data

□ Quarter Quarter Lines

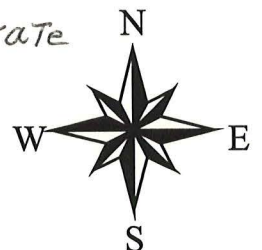
□ Section Lines

Claimed Irrigated Acres: 30.0

Initial Acres Found: 14.0

SCANNED

SEP 1 2005



Prepared By: Craig L. Saxton
Date: June 2005



State of Idaho

POU Location Map

Claim #: 67-10186

Map Source: 1987 True Color



1320

0

1320 Feet



Claimed Point of Diversion



Claimed POU



Tax Lot Data



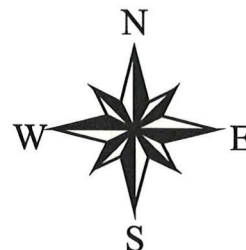
Quarter Quarter Lines



Section Lines

Claimed Irrigated Acres: 30.0

Initial Acres Found: 14.0



SCANNED

SEP 01 2005

Prepared By: Craig L. Saxton

Date: June 2005

August 23, 2005

State of Idaho
Department of Water Resources
322 East Front Street
Boise, Id. 83720-0098

RE: Snake River Basin Adjudication (SRBA) claim 67-10186

Dear Mr. Saxton,

W.W. Dale and myself Viola Dale husband and wife had the dam on Pole Creek constructed approximately in the year ~~1976~~ 1976. We first used it as a flood plan on the west and northwest meadow. Later we purchased a tractor powered irrigation pump and by using hand lines that had 30 some sprinkler heads that were moveable we irrigated approximately 30 acres of very productive hay and pasture land. (1976 }

In 1988 we sold the property to Darrall A. and Barbara J. Marvin, to my knowledge they have been farming , haying and pasturing the land ever since.

Sincerely,



Viola Dale

SCANNED

SEP 01 2005

August 15, 2005

DARRALL MARVIN
BARBARA MARVIN
1929 WIDNER RD
MIDVALE ID 83645

RE: Snake River Basin Adjudication (SRBA) claim 67-10186

Dear Mr. and Ms. Marvin,

On July 1, 2005, I sent you a letter requesting additional information regarding SRBA claim 67-10186. As of this date, I have not received anything. For your convenience, I am enclosing a copy of that letter along with a copy of claim 67-10186.

Please review the letter and submit the requested information by **September 2, 2005**. Without the requested information, the recommendation for claim 67-10186 could result in disallowed to the SRBA court.

Please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s):

$$8-15-05: (0.60 \text{ cfs}) (1.9835) (1 \text{ day}) = 1.2 \text{ Af}$$

No storage component needed.

: Looking at the diversion system, if water was available, it could divert 0.60 cfs.

: If we had evidence of priority, we could probably recommend this.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2005

DARRALL MARVIN
BARBARA MARVIN
1929 WIDNER RD
MIDVALE ID 83645

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- a) Old application for permit number 24148 was approved in 1953 and was relinquished. When a permit is relinquished, it is the applicants decision. So for some reason Mr. Dale decided that he did not want to pursue a water right license at that time.
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additional evidence I am requesting, I feel the earliest priority date we could support could be no earlier than 1966 unless evidence can be provided showing differently. Please submit this evidence as soon as possible.

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- a) How many sprinklers to you run at one time?
- b) What size of pump do you use?
- c) How much lift is there from the water level to the pump.
- d) What is the capacity of the storage pond?
 - a. I need average depth, and or maximum depth of the pond.

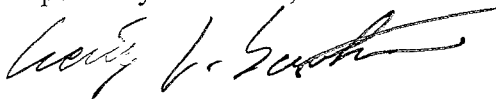
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Please submit the requested information to me as soon as possible. I apologize for the inconvenience, but getting this information will allow IDWR to describe your water right as accurately as we can. Your input in this process helps us tremendously.

Please feel free to contact me with any questions.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s):

Cc: Bosco Bosler

07-10186
Dannell + Barbara Murvin 3552356 or 3450

Address change to

POD + POU

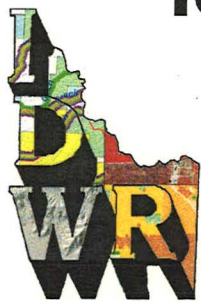
Priority late affidavit

Stock 180 Head

Tag# A0014071

THE
**SEVEN
HABITS**
OF HIGHLY
EFFECTIVE
PEOPLE

Idaho Department of Water Resources

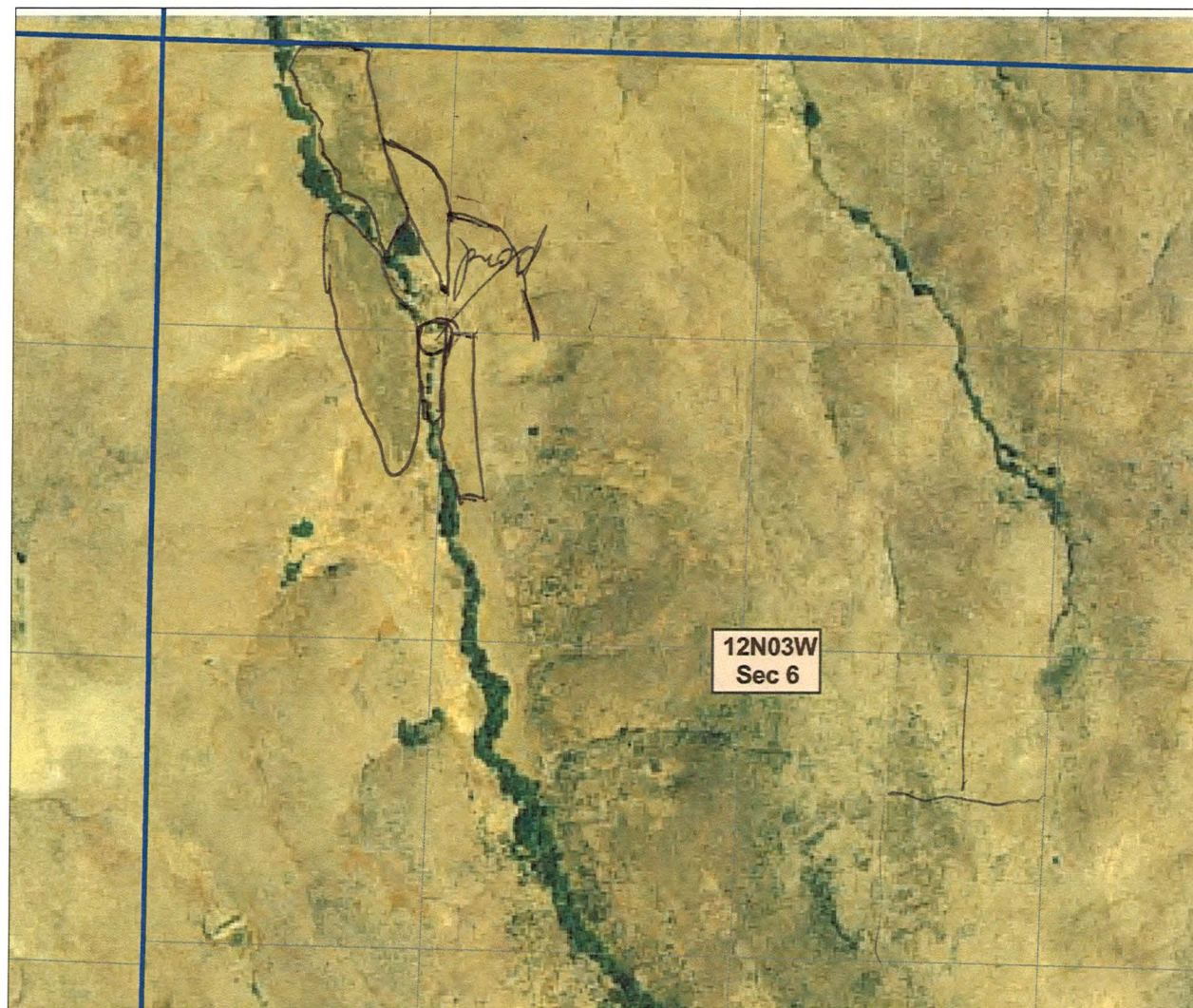


Adjudication Claim Number: **67-10186**



Legend

-  Section Lines
-  GCDB13N04W GCDB
-  GCDB13N03W GCDB
-  GCDB12N04W GCDB
-  GCDB12N03W GCDB



0 0.3 0.6 Miles

A horizontal scale bar with markings at 0, 0.3, and 0.6 miles.

Prepared by D. Narsavage
On Wednesday, April 13, 2005
1987/88 Adjudication True Color Imagery

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	BARBARA J MARVIN	1533 BRYDEN DR	LEWISTON	ID	83501	(208)743-0615
Current Owner	DARRALL A MARVIN	1533 BRYDEN DR	LEWISTON	ID	83501	(208)743-0615

Date of Field Exam: 4/27/05 Time: 13:00

Accompanied By: _____ Phone Number: 355-2556

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

N/A

Change address & phone

Reviewer: Bosco Bush

Date: 4/27/05

Place Of Use Data Entry Form

Claim Number 67-10186

Claimed Place Of Use

T12N R03W S06	NENW	5.0	T12N R03W S06	NWNW	5.0
T12N R03W S06	SWNW	5.0	T12N R03W S06	SENW	10.0
T12N R03W S06	NESW	5.0			
T12N R03W S06	SENW				

Total Acres 30

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
12N	03W	06	NW	NW	Washington		19	Irrigation
12N	03W	06	NE	NW	"		4	"
12N	03W	06	SE	NW	"		2	"
12N	03W	06	SW	NW	"		5	"
12N	03W	06						Stockwater

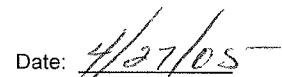
Total Acres 30

Document how the POU was verified:

Reviewer:



Date:



Purpose of Use Data Entry Form

Claim Number 67-10186

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
STOCKWATER STORAGE			
IRRIGATION FROM STORAGE			
IRRIGATION			
STOCKWATER			
STOCKWATER FROM STORAGE			
IRRIGATION STORAGE			

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
		150-300	

Recommended Purpose of Use

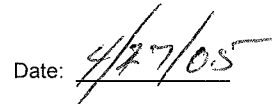
Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Reviewer:



Date:



Period of Use and Quantity Data Entry Form

Claim Number 67-10186

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.6	
IRRIGATION STORAGE	1/01	12/31		1.1
IRRIGATION FROM STORAGE	3/15	11/15		1.1
STOCKWATER	1/01	12/31	0.05	
STOCKWATER STORAGE	1/01	12/31		1.1
STOCKWATER FROM STORAGE	1/01	12/31		1.1

Overall Diversion Rate 0.65

Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate

Overall Diversion Volume

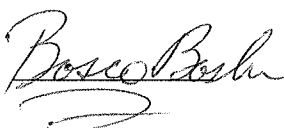
Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: 

Date: 

Point of Diversion and Source Data Entry Form

Claim Number 67-10186

Claimed Point of Diversion and Source

T12N R03W S6 NWSENW Within WASHINGTON County Source: POLE CREEK DEEP CREEK

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

POD GPS # 090	
Tag# 40014071	2281114
1 pie	1471130

Reviewer:

Date:

Priority Date Data Entry Form

Claim Number 67-10186

Claimed Priority Date: 5/21/1953

Claimed Basis: Beneficial Use

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See Affidavit

Reviewer:

Basco Bosler

Date:

4/27/05

4/27/05

To Who It May Concern,

We bought this land + water right #467-10186 from Wesley Dale in Dec of 1988. Wesley said he had been using this water for the past 30 years. We still use this water to irrigate + stock water. We irrigate about 30 acres + water from 150 - 300 head of stock.

Darrell A. Marvin

Darrell Marvin

WR # A67-10186

Tag # A0014071



BPS

2281114

1471130

CLAIMANT'S NAME: Darrell A. MarvinDATE: 9-13-89EMPLOYEE: Carter Fritschle

RE: Mr. Marvin purchased the property described in this claim from W.W. Dale approximately 1 year ago. Mr. Dale apparently had 3 separate permits for this property that were never perfected. Old water right numbers 24148, 27280 & 32900 appear to have been for the system described in this claim.

67-2342

MICROFILMED
OCT 05 1992

67-2342

Identification No. _____

Permit No. 67-2342

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION OF WATER TO BENEFICIAL USE

W.W. Dale

Department of Water Resources

355-2356

Midvale, Idaho 83645

2. Permit Number 67-2342
3. Date of Priority that you are prepared to establish May 27, 1966
4. a) Source from which water was appropriated Pole Creek
- b) Location of the point of diversion: $\frac{1}{4}$ $\frac{1}{4}$ Section
- Township _____ Range _____ Boise Meridian, Other points of diversion: _____
- See remarks.
5. a) The amount of water and use to which the water has been applied:
- | | | | |
|----------------------------------|----------------|------------------------|-----------------|
| Amount 2.4 cfs | for irrigation | purposes from 15 April | to 15 September |
| (cfs and/or acre-feet per annum) | | (Month-Day) | (Month-Day) |
| Amount _____ | for _____ | purposes from _____ | to _____ |
| (cfs and/or acre-feet per annum) | | (Month-Day) | (Month-Day) |
| Amount _____ | for _____ | purposes from _____ | to _____ |
| (cfs and/or acre-feet per annum) | | (Month-Day) | (Month-Day) |
- b) Total amount appropriated 2.4 cfs cfs and/or acre-feet per annum
- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: 100' length, 60' width reservoir
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
- a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
- b) Describe the agreement or understanding by which you take water from the works: Pole Creek runs through my property. No one uses the water above or below me to my knowledge.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 8' earth dam, 36" pipe with iron headgate
- b) Describe the type and size of measuring device which you have installed at your point of diversion:
- c) Give well driller's name and address and the date the well was completed:
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: stockwater for 60 cattle

Exam 6/15/77

1

[illegible]

Total number of acres irrigated 25

10. Remarks: P.D. is on a line common to the NENW, NWNE, SENW, SWNE.
Mr. Dale was not quite sure which acres are in which quarter.

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 13, 1977
(Date)

W W Dale
(Signature)

State of Ill.)
County of Mad.) 65

On this 15th day of May, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Barre, Ida

My commission expires 6/15/77

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 41077

PERMIT No. 12990

DISTRICT No.

1. Name of Applicant: M. M. Gale

Postoffice address: Midvale

County: Washington State: Idaho

1. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

11. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 2.4

cubic feet per second, or 120 miners inches

3. Source of water supply: Probs Creek

which is a tributary of Deep Creek

4. Location of point of diversion:

feet distant from the

corner of Section 1, T. 12 N., R. 3 W., B.M., and is in the NE 1/4, Sec. 1, T. 12 N., R. 3 W., B.M.,

of section 1, T. 12 N., R. 3 W., B.M., County of Washington

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. 12 N., R. 3 W., B.M., on the NE 1/4 of Section 1, T. 12 N., R. 3 W., B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

distant from the corner of Section 1, T. 12 N., R. 3 W., B.M., in the

of Section 1, T. 12 N., R. 3 W., B.M.

7. Estimated cost of works: \$ 100,00

8. Kind of works: Pipes and sprinklers

9. Height of dam: 5 feet; length of dam at top: 15 feet; length of dam at bottom: 40

feet; material used in dam: Dirt & concrete

10. Size of headgate: Width

feet; height

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

dimensions of flume:

Diameter of pipe

inches; length of conduit

Average grade per mile

feet.

12. The time required for the completion of such work is

5 years.

13. The time required for the complete application of the water to the proposed use is

6

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and or valid permits appurtenant to the lands to be irrigated are: None

[illegible]

June 16, 1977

Re: Permit No. 67-2342

W. W. Dale
Midvale, Idaho
83645

Dear Mr. Dale:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Boise.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

67-2342
DATE: W. W.
NOVEMBER 10 8 36 45

138186

April 10, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

67-2342
DALE, W. W.
MIDVALE, ID 83645

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 5, 1988

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on June 9, 1988, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 10, 1987.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 8, 1988, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

Application No. 27280
 Permit No. 27280
 District No.

W. W. Cole
 Midvale, Idaho

1. Name of Applicant W. W. Cole

2. Residence address Midvale

County Washington State Idaho

3. If applicant is a corporation, state:
 (a) Date and place of incorporation
 (b) Amount of capital stock
 (c) Amount paid in
 (d) Name and address of officer

4. The financial resources of the applicant are:
 (a) Cash on hand
 (b) Treasury stock

(c) Bond to be received
 (d) Other resource

5. Quantity of water claimed 2.5

cubic feet per second

6. Source of water supply Pole Creek

which is a tributary of Loop Creek,
 tributary of Walker River

7. Location of point of diversion

feet distant from the

corner of Section 1, R. 1 E. M. 1 in the NW 1/4 and SW 1/4

of section 1, T. 1 N. R. 1 E. M. 1 in the Washington

8. Water is to be used for Irrigation and domestic

9. If for mining, milling, power or manufacturing purpose, give:

(a) Point of use of water feet distant from corner of Section 1, R. 1 E. M. 1 in the of section 1, T. 1 N. R. 1 E. M. 1

(b) Amount of power generated H.P. under feet head

(c) Water is to be returned to at a point

distant from the corner of section 1, R. 1 E. M. 1 in the T. 1 N. R. 1 E. M. 1

10. Estimated cost of work \$1,000.00

11. Kind of work Deep, ditch or vent

12. Height of dam feet length of dam at bottom

feet material used in dam

13. Kind of bridge Width feet height

14. Ditch Width at bottom feet width at water line feet depth of water

dimensions of flume

Diameter of pipe inch length of conduit

15. Average grade per mile feet

16. The time required for the completion of such work is years

17. The time required for the complete application of the water to the proposed use is

18. The land to be irrigated is described in the following tabulation or remarks:

19. Is the water right and/or water permit application and test to be irrigated are None

27280
 Lapsed
 Didn't submit
 Proof

APPLICATION No. 3195
 PERMIT No. 24148
 DISTRICT No.

1. Name of Applicant W. W. DALE

Postoffice address: Midvale

County: Washington State: Idaho

2. If applicant is a corporation, give:

- (a) Date and place of incorporation;
 (b) Amount of capital stock;
 (c) Amount paid in;
 (d) Names and addresses of directors:

Relinquished

3. The financial resources of the applicant are:

- (a) Cash on hand:
 (c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

Quantity of water claimed 480

cubic feet per second.

Source of water supply: Pole Creek

which is a tributary of Deep Creek thence Weiser River

Location of point of diversion

feet distant from the

of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 6 , T. 12 N. , R. 3 W. , B.M., County of Washington

5. Water is to be used for Irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.

7. Estimated cost of works \$ 1,000.00

8. Kind of works: Pump, ditches and probable sprinkler system

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five years.

13. The time required for the complete application of the water to the proposed use is None additional years.

14. The land to be irrigated is described in the following tabulation: see remarks

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

24148

W. W. DALE

Appelbaum et al.

138

input

Date of first receipt at Department of Reclamation: 2:30 p.m. May 21, 1953

Returned to applicant for correction:

Corrected application received

Approval of State Reclamation Engineer

The number of this permit is 24148

Recorded in Book 85 Page 24148 Approved May 29, 1953

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and

herby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$_____ to be filed on or before _____

Work to begin on or before July 29, 1953

and to continue diligently and uninterruptedly to completion.

unless temporarily interrupted by circumstances over which permit holder has no control.

The fifth of the work above specified to be completed on or before **November 29, 1955**

The whole of said work to be completed on or before May 29, 1958

Beneficial use of water appropriated in accordance herewith, to be made on or before May 29, 1958.

WITNESS My hand this 20th day of May, 1953

MAH K. KULP
State Reclamation Engineer

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, Governor of the State of Idaho,

and THA H. MASTERS

, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed; this 29th

day of May, 1953.

STATE OF IDAHO

Countersigned:

135

LEN JORDAN

Discussion

(S⁴EAL.)

By **IRA H. MASTERS**

Secretary of State.

REMARKS: Decided lands.

i :

Twp.	Range	Sec	NE1/4	NW1/4	SW1/4	SE1/4	Total
			NE1/4	NW1/4	SW1/4	SE1/4	
12 N	3 W	6	5	15	15	5	40

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-10186
Date Received: 9/13/1989
Receipt No: C011599
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BARBARA J MARVIN Phone: (208)355-2356

1929 WIDNER ROAD
MIDVALE ID USA 83645

DARRALL A MARVIN Phone: (208)355-2356

1929 WIDNER ROAD
MIDVALE ID USA 83645

2. Date of Priority: 05/21/1953

3. Source: POLE CREEK Trib. to: DEEP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	03W	6	NW SE NW	WASHINGTON	

5. Description of diverting works:

DAM, 14' HIGH, 112' LONG, "L" SHAPED, PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.6	
IRRIGATION STORAGE			1/01 12/31	
1.1				
IRRIGATION FROM STORAGE			3/15 11/15	
1.1				
STOCKWATER	1/01	12/31	0.05	
STOCKWATER STORAGE			1/01 12/31	
1.1				

STOCKWATER FROM STORAGE
1.1

1/01 12/31

7. Total Quantity Appropriated is:
0.65 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	03W	6	NW	NW	IRRIGATION	5
			SW	NW	IRRIGATION	5
			SE	NW	IRRIGATION	10
			NE	SW	IRRIGATION	5
			NE	NW	IRRIGATION	5
			SE	NW	STOCKWATER	
					Section Acres	30
					Total Acres	30

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 467-10186

Previous Mailing Address: DARRALL A. ^{and} Barbara J. Marvin
1533 Bryden Dr
Lewiston, Id 83501

New Mailing Address: DARRALL A. ^{and} Barbara J. Marvin
1929 Widner Road
Midvale, Id 83645

Telephone Number: (208) 355-2356

Signature of all Claimant(s): Darrall A. Marvin Barbara J. Marvin
Please print your name below your signature.
DARRALL A. Marvin
Barbara J. Marvin

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-10186
Date Received: 9/13/1989
Receipt No: CD 11599
Received By: CA

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DARRALL A. MARVIN 208-743-0615
Address: 1533 BRYDEN DR.
LEWISTON, ID 83501

AND/OR

Name: BARBARA J. MARVIN 208-743-0615
Address: 1533 BRYDEN DR.
LEWISTON, ID 83501

2. Date of Priority: MAY 21, 1953

3. Source: POLE CREEK Trib. to: DEEP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	03W	6	NW	SE	NW		WASHINGTON

5. Description of diverting works:
DAM, 14' HIGH, 112' LONG, "L" SHAPED, PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		
IRRIGATION STORAGE	01/01	12/31			1.10
IRRIGATION FROM STORAGE	03/15	11/15			1.10
STOCKWATER	01/01	12/31	0.050		
STOCKWATER STORAGE	01/01	12/31			1.10
STOCKWATER FROM STORAGE	01/01	12/31			1.10

7. Total Quantity Appropriated is:
0.650 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 150 HEAD CATTLE
A67-10186 Page 1

Date: 09/13/89
SCANNED
APR 19 2004
MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12N	03W	6	NE		NW		IRR	5.0
			NW		NW		IRR	5.0
			SW		NW		IRR	5.0
			SE		NW		IRR	10.0
			SE		NW		STOCK	
			NE		SW		IRR	5.0
							Section Acres	30.0
							Total Acres	30.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -1-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Darrell D. Marvin Date: 9-13-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of September 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

MICROFILMED
OCT 05 1992

